

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,)	CASE NO. 8:05CR94
)	
Plaintiff,)	
)	
vs.)	ORDER GRANTING
)	APPOINTMENT OF COUNSEL
)	NUNC PRO TUNC
LUIS ALBERTO RAMOS-MARTINEZ,)	
)	
Defendant.)	

This matter is before the Court on the motion filed by Michael D. Gooch (Filing No. 435) to appoint counsel nunc pro tunc. Mr. Gooch moves this Court, nunc pro tunc, to appoint him as appointed counsel for the Defendant's Rule 35(b) proceeding. Mr. Ramos-Martinez was sentenced on April 19, 2006. Mr. Gooch details in his motion the extent to which he monitored the progress of the filing of a Rule 35 motion.

A Rule 35 motion was filed on September 29, 2008. (Filing No. 429.) An order appointing counsel was not entered. Mr. Ramos-Martinez completed his federal sentence and was discharged to immigration authorities. According to Mr. Gooch's motion, Ramos-Martinez has been removed from the country.

Mr. Gooch previously represented the Defendant as CJA counsel. The Defendant remained eligible for appointment of counsel under the Criminal Justice Act, 18 U.S.C. §3006A, and the Amended Criminal Justice Act Plan for the District of Nebraska. The court finds that Mr. Gooch's motion should be granted and he should be appointed nunc pro tunc for the period of time in question.

IT IS ORDERED:

1. The motion filed by Michael D. Gooch (Filing No. 435) to appoint counsel nunc pro tunc is granted;
2. The Federal Public Defender must provide the court with a draft appointment order (CJA Form 20) bearing the name and other identifying information of the CJA Panel attorney in question;
3. Counsel's appointment is made under 18 U.S.C. §3006A(f). Under the circumstances of this case, the Defendant is relieved of the requirement to file a current and complete financial statement to aid the Court in determining whether any portion of counsel's fees and expenses should be reimbursed by the Defendant; and
4. The Clerk is directed to send a copy of this order to the Federal Public Defender for the District of Nebraska.

DATED this 20th day of March, 2009.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge